

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation
James P. Hill, CA SBN 90478 (Pro Hac Vice)
Jonathan S. Dabbieri, CA SBN 91963 (Pro Hac Vice)
Elizabeth E. Stephens, NV SBN 5788
228 South Fourth Street, First Floor
Las Vegas, NV 89101
Telephone: (702) 382-6440
Fax Number: (702) 384-9102

Attorneys for Chapter 7 Trustee,
William A. Leonard, Jr.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re	)	CASE NO. BK-S-09-32824-RCJ (Lead Case)
	)	Jointly Administered with Case Nos.:
ASSET RESOLUTION, LLC,	)	BK-S-09-32831-RCJ; BK-S-09-32839-RCJ;
	)	BK-S-09-32843-RCJ; BK-S-09-32844-RCJ;
Debtor.	)	BK-S-09-32846-RCJ; BK-S-09-32849-RCJ;
	)	BK-S-09-32851-RCJ; BK-S-09-32853-RCJ;
	)	BK-S-09-32868-RCJ; BK-S-09-32873-RCJ;
	)	BK-S-09-32875-RCJ; BK-S-09-32878-RCJ;
	)	BK-S-09-32880-RCJ; BK-S-09-32882-RCJ
Affects:)	
<input checked="" type="checkbox"/> All Debtors)	
	)	Chapter 7
WILLIAM A. LEONARD, JR., Chapter 7	)	ADV. CASE NO. 11-01305
Trustee,)	
)	
Plaintiff,	)	AGREED MOTION TO DISMISS
)	
v.)	
)	
GOTTEX ABL; GOTTEX ABI; and	)	Ctrm: RCJ-Courtroom 6
REPOTEX-CLASS A,	)	Bruce R. Thompson Federal Building
	)	400 S. Virginia Street
Defendant.	)	Reno, NV 89501
	)	Judge: Hon. Robert C. Jones

PLEASE TAKE NOTICE THAT, pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41 of the Federal Rules of Civil Procedure and the agreement of the Defendant, the named Plaintiff hereby moves for an order dismissing this adversary proceeding. An Agreed Order is being submitted with this motion.

The above-referenced adversary proceeding (the "Adversary") was originally filed by Chapter 7 Trustee William A. Leonard on behalf of the bankruptcy estate of Asset Resolution, LLC

1 and its affiliated debtors (the “Estate”) in the above-referenced jointly administered bankruptcy cases
2 (the “Bankruptcy Cases”).

3 On or about September 6, 2012, this Court entered an Agreed Order Regarding Settlement
4 and Related Relief [*See* ARC BK Dkt. 1915] (the “Settlement Order”) in the Bankruptcy Cases.

5 Paragraph 136 of the Settlement Order and section 4.2 of the Claims Recovery Trust
6 Agreement approved by the Settlement Order (the “LTA”) provide that, upon the payment of a sum
7 certain (the “Silar Payment”) to the Estate by Silar, all “Causes of Action” (as defined in the
8 Settlement Order) held by the Estate and/or the “B&B DL Settling Clients” (as defined in the
9 Settlement Order) against Gottex ABI and Gottex ABL (including without limitation the claims
10 asserted in the Adversary) shall be automatically assigned to the Trust for the sole benefit of Silar,
11 with the disposition of such Causes of Action to be directed by Silar and “with any recoveries
12 thereon enjoyed exclusively by” Silar.

13 Silar made the Silar Payment to the Estate as provided in the Settlement Order and is
14 therefore the real party in interest with respect to Causes of Action held by the Estate and/or the
15 B&B DL Settling Clients against Gottex ABI and Gottex ABL.

16 On December 7, 2012, this Court entered an order confirming that the parties closed all of the
17 terms of the Settlement and that the Settlement has been consummated pursuant to the terms of the
18 Settlement Order. *See* ARC BK Dkt. 1988 ¶ 1.

19 Paragraph 138 of the Settlement Order also enjoins the B&B DL Settling Clients and/or the
20 Estate from pursuing any “Preference Claims” against any persons or entities not addressed in the
21 Settlement Order. Paragraph 128 of the Settlement Order defines “Preference Claims” to mean
22 “Causes of Action relating to pre-petition preference or other payments by Asset Resolution to any
23 person or entity . . . , whether such Causes of Action are known or unknown and whether or not
24 they were asserted” in the Adversary Proceeding.

25 The Trust, Silar, and Gottex have now agreed to resolve their disputes under FRE 408 and
26 have requested that the Trustee file a motion to dismiss this Adversary with prejudice (the
27 “Motion”).

28 ///

1 As such, named Plaintiff requests that the Court enter the attached agreed order dismissing
2 the adversary with prejudice, with all parties bearing their own attorney's fees and costs.

3
4 Dated: September 19, 2013

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation

5
6 By: /s/ Jonathan S. Dabbieri

7 James P. Hill
8 Jonathan S. Dabbieri
9 Elizabeth E. Stephens
10 Attorneys for Chapter 7 Trustee,
11 William A. Leonard, Jr.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SULLIVAN, HILL, LEWIN, REZ & ENGEL
 A Professional Law Corporation
 James P. Hill, CA SBN 90478 (Pro Hac Vice)
 Jonathan S. Dabbieri, CA SBN 91963 (Pro Hac Vice)
 Elizabeth E. Stephens, NV SBN 5788
 228 South Fourth Street, First Floor
 Las Vegas, NV 89101
 Telephone: (702) 382-6440
 Fax Number: (702) 384-9102

Attorneys for Chapter 7 Trustee,
 William A. Leonard, Jr.

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re	)	CASE NO. BK-S-09-32824-RCJ (Lead Case)
	)	Jointly Administered with Case Nos.:
ASSET RESOLUTION, LLC,	)	BK-S-09-32831-RCJ; BK-S-09-32839-RCJ;
	)	BK-S-09-32843-RCJ; BK-S-09-32844-RCJ;
Debtor.	)	BK-S-09-32846-RCJ; BK-S-09-32849-RCJ;
	)	BK-S-09-32851-RCJ; BK-S-09-32853-RCJ;
	)	BK-S-09-32868-RCJ; BK-S-09-32873-RCJ;
Affects:	)	BK-S-09-32875-RCJ; BK-S-09-32878-RCJ;
<input checked="" type="checkbox"/> All Debtors	)	BK-S-09-32880-RCJ; BK-S-09-32882-RCJ
)	
	)	Chapter 7
WILLIAM A. LEONARD, JR., Chapter 7	)	ADV. CASE NO. 11-01305
Trustee,)	
)	
Plaintiff,	)	AGREED ORDER OF DISMISSAL
)	
v.)	
)	
GOTTEX ABL; GOTTEX ABI; and	)	Ctrm: RCJ-Courtroom 6
REPOTEX-CLASS A,	)	Bruce R. Thompson Federal Building
	)	400 S. Virginia Street
Defendant.	)	Reno, NV 89501
	)	Judge: Hon. Robert C. Jones

///

///

///

1 The above-referenced adversary proceeding (the “Adversary”) was originally filed by
2 Chapter 7 Trustee William A. Leonard on behalf of the bankruptcy estate of Asset Resolution, LLC
3 and its affiliated debtors (the “Estate”) in the above-referenced jointly administered bankruptcy cases
4 (the “Bankruptcy Cases”). On or about September 6, 2012, this Court entered an Agreed Order
5 Regarding Settlement And Related Relief [*See* ARC BK Dkt. 1915] (the “Settlement Order”) in the
6 Bankruptcy Cases. Paragraph 136 of the Settlement Order and section 4.2 of the Claims Recovery
7 Trust Agreement approved by the Settlement Order (the “LTA”) provide that, upon the payment of
8 a sum certain (the “Silar Payment”) to the Estate by Silar, all “Causes of Action” (as defined in the
9 Settlement Order) held by the Estate and/or the “B&B DL Settling Clients” (as defined in the
10 Settlement Order) against Gottex ABI and Gottex ABL (including without limitation the claims
11 asserted in the Adversary) shall be automatically assigned to the Trust for the sole benefit of Silar,
12 with the disposition of such Causes of Action to be directed by Silar and “with any recoveries
13 thereon enjoyed exclusively by” Silar.

14 Silar made the Silar Payment to the Estate as provided in the Settlement Order and is
15 therefore the real party in interest with respect to Causes of Action held by the Estate and/or the
16 B&B DL Settling Clients against Gottex ABI and Gottex ABL.

17 On December 7, 2012, this Court entered an order confirming that the parties closed all of the
18 terms of the Settlement and that the Settlement has been consummated pursuant to the terms of the
19 Settlement Order. *See* ARC BK Dkt. 1988 ¶ 1.

20 Paragraph 138 of the Settlement Order also enjoins the B&B DL Settling Clients and/or the
21 Estate from pursuing any “Preference Claims” against any persons or entities not addressed in the
22 Settlement Order. Paragraph 128 of the Settlement Order defines “Preference Claims” to mean
23 “Causes of Action relating to pre-petition preference or other payments by Asset Resolution to any
24 person or entity . . . , whether such Causes of Action are known or unknown and whether or not
25 they were asserted” in the Adversary Proceeding.

26 The Trust, Silar, and Gottex have now agreed to resolve their disputes under FRE 408 and
27 have requested that the Trustee file a motion to dismiss this Adversary with prejudice (the
28 “Motion”). The Court finds that good cause exists for granting the Motion.

IT IS THEREFORE HEREBY ORDERED THAT:

1. The Motion is granted.

2. This action is dismissed with prejudice. All parties shall bear their own attorney's fees and costs.

3. Nothing in this Order alters or amends any provisions of the Settlement Order or the LTA.

IT IS SO ORDERED this ____ day of _____, 2013.

Honorable Robert C. Jones

AGREED AS TO FORM:

THE MAJORIE FIRM LTD.

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation

By: /s/ Francis B. Majorie
Francis B. Majorie
Attorneys for Silar Advisors, L.P.
and The Claims Recovery Trust

By: /s/ Jonathan S. Dabbieri
James P. Hill
Jonathan S. Dabbieri
Elizabeth E. Stephens
Attorneys for Chapter 7 Trustee,
William A. Leonard, Jr.

LIONEL SAWYER & COLLINS

By: /s/ Ryan A. Andersen
Ryan A. Andersen
Counsel for Gottex ABI and Gottex
ABL

###